

CHAPTER 360

(Senate Bill 807)

AN ACT concerning

Oysters - Leased Oyster Bottoms

FOR the purpose of prohibiting certain persons from catching oysters on certain leased oyster beds that do not have stakes, buoys, or markers at certain places; requiring the Natural Resources Police to prevent certain persons from operating or catching oysters in these leased oyster beds that are not marked in a certain way; and repealing certain provisions of law relating to trespass on certain unmarked leased oyster beds.

BY repealing and reenacting, with amendments,

Article - Natural Resources
Section 4-1113
Annotated Code of Maryland
(1974 Volume and 1982 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

4-1113.

(A) Immediately upon entering into a lease, every lessee shall designate leased oyster bottoms by plainly marking them with stakes, buoys, or monuments, under the supervision of the Department. The initials of the lessee shall be marked on at least four stakes, buoys, or monuments. The lessee shall exercise reasonable diligence in maintaining buoys, stakes, or monuments but the temporary loss or destruction of any buoys, stakes, or monuments shall not operate to permit any unauthorized person to trespass on or remove, destroy, or disturb oysters on any areas. [However, in any action at law involving an alleged trespasser on a leased oyster bottom where stakes, buoys, or monuments have been removed, lost, or destroyed, the court may not impose a penalty upon the violator if the court determines as a fact that the trespass was unintentional and without knowledge.]

(B) IF ANY LEASED OYSTER BED DOES NOT HAVE STAKES, BUOYS, OR MONUMENTS AT THE 4 CORNERS OF THE BED, A PERSON, INCLUDING THE LESSEE, MAY NOT CATCH OYSTERS FROM THE BED. IF THE STAKES, BUOYS, OR MARKERS ARE NOT IN ORDER ON ANY LEASED OYSTER BED, THE NATURAL RESOURCES POLICE HAVE A DUTY NOT TO ALLOW A PERSON TO OPERATE OR CATCH OYSTERS IN THE BED UNTIL THE STATE-MAKES-A PROPER-SURVEY-OF-THE-BED- CORNER MARKERS ARE REPLACED.